

Appln No. 10/611,359

Reply to Office action of April 5, 2004

REMARKS/ARGUMENTS

The Office Action dated April 5, 2004, has been reviewed and the comments carefully considered.

In the Office action, various issues and questions are raised concerning the description of the variety. By the amendments in the accompanying Substitute Specification, Applicant has made a bona fide effort to address all issues and questions.

Applicant notes that the Office Action recites "the claimed petunia cultivar 'SUNPATIRE' is described in Japanese Breeder's Right Application No. 144306 that was published on March 25, 2002." Applicant must respectfully disagree. As shown by a copy of the Abstract of the Specification of Japanese PBR Application No. 14306, this application is directed to the variety 'SUNCOMI', not 'SUNPATIRE'.

Applicant also notes that as required by the Office Action, Applicant is filing herewith a Supplement Information Disclosure Statement.

In view of the foregoing amendment and response, it is believed that the application is in condition for allowance and, accordingly, reconsideration and allowance is earnestly solicited.

If any questions remain regarding the allowability of the application, Applicant would appreciate if the Examiner would advise the undersigned by telephone.

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The Commissioner is hereby authorized to charge any fees under 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account No. 03-1728. Please show our docket number with any charge or credit to our Deposit Account.

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

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CAB/tt

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